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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,508	10/26/2001	Darryl Cynthia Moore	36968.262345 (BS01239)	3347

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EXAMINER

EDWARDS, ANTHONY Q

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 02/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/046,508

Applicant(s)

MOORE ET AL.

Examiner

Anthony Q. Edwards

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Specification

The disclosure is objected to because page 6, lines 17-18 contain an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 10-19, 22 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,764,474 to Youens. Referring to claims 1 and 12, Youens discloses an ergonomic apparatus (i.e., portable computer) comprising a main body (10), a keyboard housing (12) having a top surface, and a front edge closest to a user, a back edge farthest from the user and two side edges. See FIGS1-4 and column 3, lines 25-28. Youens also discloses a keyboard housing bottom surface operationally and functionally connected to the main computer body (see column 4, lines 25-41. Likewise, Youens discloses a positioning support (50) functionally connected to the keyboard housing operable for extending and adjusting a slope of the keyboard housing relative to the underlying main body (see column 4, lines 18-24).

Referring to claims 2 and 13, FIG. 1B of Youens shows the ergonomic apparatus, further comprising one or more additional positioning supports (44). See FIG. 1B and the corresponding specification.

Referring to claims 3 and 14, FIG. 1 of Youens shows the ergonomic apparatus, wherein the top surface of the keyboard housing comprises a plurality of keys (38).

Referring to claims 4 and 15, Youens discloses the apparatus, wherein the positioning support is attached at one end to at least one of the top surface, the bottom surface, the front edge, the back edge, and the two side edges of the keyboard housing. See column 4, lines 18-24.

Referring to claims 5 and 17, Youens discloses the apparatus, wherein the keyboard housing defines an embedded compartment in the main body. See column 3, line 43.

Referring to claims 6 and 18, FIG. 2 of Youens shows the ergonomic apparatus, wherein the front edge of the keyboard housing is pivotally connected to the main body.

Referring to claims 7 and 19, Youens discloses the ergonomic apparatus, wherein the positioning supports comprises at least one of a leg, a flap, a thumbscrew, and a rod. See FIG. 2 and column 4, lines 18-26.

Referring to claims 10 and 22, FIG. 5B of Youens shows the ergonomic apparatus, wherein the keyboard top surface is flush with the main body when the positioning support is retracted.

Referring to claims 11 and 23, FIG. 1 of Youens shows the ergonomic apparatus, wherein the main body comprises a laptop computer body.

Referring to claim 16, it is inherent that the keyboard housing is standard equipment on a new laptop computer (See FIGS. 1-5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 24-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youens. As indicated above, Youens discloses an ergonomic keyboard with as claimed, having a keyboard housing comprising positioning support operable for adjusting a slope of the keyboard in relation to an underlying main body. Youens does not disclose expressly that the keyboard can be retrofitted into an otherwise standard laptop computer. However, Examiner takes Official Notice that the use of retrofit modules, including keyboards, for laptop computers is conventional and well known.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to utilize a retrofit keyboard in a standard laptop computer since Examiner takes Official Notice that the use of keyboards as retrofit modules in laptop computers is conventional and well know.

Claims 8, 9, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youens in view U.S. Patent No. 5,168,427 to Clancy et al. Youens discloses the ergonomic apparatus as claimed, except for the positioning support providing both slope adjustment in discrete steps, as well as continuous adjustment of the keyboard housing. Clancy et al. discloses a portable computer with tiltable keyboard structure having a pawl 80a member, which provides continuous slope adjustment in discrete steps. See FIG. 9 and column 8, lines 3-19.

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It would have been obvious at the time the invention was made to one of ordinary skill in the art to modify the portable computer with tilting keyboard of Youens to include a mechanism that provides both slope adjustment in discrete steps, as well as continuous adjustment of the keyboard housing, as taught by Clancey, to allow the computer user to improve the typing position of the keyboard.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent Nos. 6,144,554 and 6,081,207.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Q. Edwards whose telephone number is 703-605-4214. The examiner can normally be reached on M-F (8:30-6:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (703) 308-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 306-5511 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-9929.

aqe
February 6, 2003


DARREN SCHUBERG
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